

**SUPREME COURT MINUTES
WEDNESDAY, OCTOBER 27, 2004
SAN FRANCISCO, CALIFORNIA**

S011960

PEOPLE v. COFFMAN AND MARLOW
Rehearing denied

Appellant's Cynthia Lynn Coffman's request to modify the opinion is granted.
Petition for rehearing is denied.

Opinion modified – no change in judgment

S127505

B161356 Second Appellate District,
Division Eight

PEOPLE v. PARTIDA
Petition for review granted

Pursuant to Rule 29(a) of the California Rules of Court, the parties are directed to brief the following issues: (1) Did defendant forfeit his federal due process claim on appeal by failing to object on that ground in the trial court? (2) Does the forfeiture exception articulated in *People v. Yeoman* (2003) 31 Cal.4th 93, 117, apply when the appellate claim is otherwise governed by Evidence Code section 353, subdivision (a)? (3) Did the admission of testimony from a gang expert violate either Evidence Code section 352 or federal due process?

Votes: George, C.J., Baxter, Werdegar, Chin, and Brown, JJ.

S127513

B168950 Second Appellate District,
Division Six

S.B. BEACH PROPERTIES v. BERTI
Petition for review granted; issues limited

The issue to be briefed and argued is limited to the following: Does a trial court have jurisdiction to consider a motion for attorney fees under Code of Civil Procedure section 425.16 if the action was voluntarily dismissed before the special motion to strike was filed?

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S127535

E033515 Fourth Appellate District,
Division Two

BIGHORN-DESERT VIEW WATER AGENCY v.
BERINGSON (KELLEY)
Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S128081

F042668 Fifth Appellate District

PEOPLE v. VELEZ
Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Lopez*, S119294 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S116235

D039279 Fourth Appellate District,
Division One

PEOPLE v. GILMORE
Dismissed per rule 29.3(b), and remanded to CA 4/1

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S126656

E033904 Fourth Appellate District,
Division Two

MAINTAIN OUR DESERT ENVIRONMENT v.
TOWN OF APPLE VALLEY (PLUTO DEV.)
Petition for review & depublication request denied

S127025

E036306 Fourth Appellate District,
Division Two

GARCIA (JULIO) ON H.C.
Petition for review denied

S127066

H027639 Sixth Appellate District

SOUTHERN CALIFORNIA WATER v. S.C. (SANTA
MARIA VALLEY WATER CONSERVATION)
Petition for review denied

The request for judicial notice denied.

Kennard, J., was recused and did not participate.

S127092

A107234 First Appellate District,
Division One

EALEY (JOHNNIE) ON H.C.
Petition for review denied

S127114

G033932 Fourth Appellate District,
Division Three

WU (DI) ON H.C.
Petition for review denied

S127181

B175747 Second Appellate District,
Division One

ROBINSON v. S.C. (PEOPLE)
Petition for review denied

S127184

G034267 Fourth Appellate District,
Division Three

HAN (JEEN YOUNG) ON H.C.
Petition for review denied

S127235

A106802 First Appellate District,
Division One

WALKER (ANDREW) ON H.C.
Petition for review denied

S127237

B165782 Second Appellate District,
Division Seven

PEOPLE v. RAULS
Petition for review denied

S127258

A107269 First Appellate District,
Division Five

DYSON (HAROLD D.) ON H.C.
Petition for review denied

S127281

G034017 Fourth Appellate District,
Division Three

MUHAMED (NO) ON H.C.
Petition for review denied

S127283

B169274 Second Appellate District,
Division Five

PEOPLE v. HENRY
Petition for review & publication request denied

Petition for review denied without prejudice
to any relief to which defendant might be
entitled after this court determines in *People v.*
Towne, S125677 and *People v. Black*, S126182,

the effect of *Blakely v. Washington* (2004) 524 U.S. ___, 124 S.Ct. 2531, on California law.

The request for an order directing publication of the opinion in the above-entitled appeal is denied.

S127311

E033084 Fourth Appellate District,
Division Two

PEOPLE v. LEWIS

Petition for review denied

S127322

G030390 Fourth Appellate District,
Division Three

PEOPLE v. MORFIN

Petitions for review denied

S127343

D042200 Fourth Appellate District,
Division One

AGOSTA v. ASTOR

Petition for review denied

S127457

B165436 Second Appellate District,
Division Four

PEOPLE v. JURADO

Petition for review denied

Kennard, J., Baxter, J., and Chin, J., are of the opinion the petition should be granted.

S127480

A105060 First Appellate District,
Division Five

A. (DECORRAH), IN RE

Petition for review denied

S127491

B176858 Second Appellate District,
Division Five

GREAT ESCAPE PROMOTION CASES, IN RE

Petition for review denied

S127499

G030494 Fourth Appellate District,
Division Three

PEOPLE v. WOODS

Petition for review denied

S127511

B167849 Second Appellate District,
Division Eight

PEOPLE v. VALDEZ

Petition for review denied

S127532

G034228 Fourth Appellate District,
Division Three

YU (LI) ON H.C.

Petition for review denied

S127538

A101573 First Appellate District,
Division One

IDOWU v. DEPARTMENT OF REAL ESTATE

Petition for review & publication request denied

S127539

B177459 Second Appellate District,
Division Two

G. (NATALIA) v. S.C. (DEPARTMENT OF
CHILDREN & FAMILY SERVICES)

Petition for review denied

S127564

E032686 Fourth Appellate District,
Division Two

PEOPLE v. WASHINGTON

Petition for review denied

S127580

B177236 Second Appellate District,
Division Six

HUDSON v. S.C. (McCANN)

Petition for review denied

S127642

H026976 Sixth Appellate District

WALMSLEY (DANIEL EARLE) ON H.C.

Petition for review denied

S127643

H026006 Sixth Appellate District

PEOPLE v. WALMSLEY

Petition for review denied

S127646

C044224 Third Appellate District

PEOPLE v. BELAHBIB

Petition for review denied

S127668

D041384 Fourth Appellate District,
Division One

GREGOVICH v. BERGER

Petition for review & publication request denied

S127680

E036122 Fourth Appellate District,
Division Two

LANDIS v. S.C. (PEOPLE)

Petition for review and application for stay denied

S127703

C044093 Third Appellate District

WOLFE v. SACRAMENTO COUNTY BAR ASSN
Petition for review denied**S127738**B174068 Second Appellate District,
Division FiveHILLS v. S.C. (BERGERON)
Petition for review denied**S127766**D039816 Fourth Appellate District,
Division OneGOEHRING v. CHAPMAN UNIVERSITY
Petition for review denied**S127769**D043802 Fourth Appellate District,
Division OneNATURAL GAS ANTI-TRUST CASES, IN RE
Petition for review denied**S127783**B170659 Second Appellate District,
Division EightVEGA v. JONES, DAY, REAVIS & POGUE
Petition for review deniedChin, J., is of the opinion the petition should be
granted.**S127804**E033870 Fourth Appellate District,
Division TwoPEOPLE v. PICKNEY
Petition for review denied**S127806**E034957 Fourth Appellate District,
Division TwoI. (GABRIEL), IN RE
Petition for review denied**S127822**B168754 Second Appellate District,
B171836 Division SevenPEOPLE v. DELCAMBRE
Petition for review denied**S127826**E036466 Fourth Appellate District,
Division TwoWALKER v. S.C. (PEOPLE)
Petition for review and application for stay denied**S127828**

F043485 Fifth Appellate District

NORGEOT v. NELSON
Petition for review denied

S127829

D042683 Fourth Appellate District,
Division One

JIMENEZ-ALDAMA v. TAU KAPPA EPSILON

Petition for review denied

S127830

B176219 Second Appellate District,
Division Two

SAUL v. WEST COAST EQUITIES

Petition for review denied

S127842

B162159 Second Appellate District,
Division One

MOGHADAM v. DANPOUR

Petition for review denied

S127847

B167419 Second Appellate District,
Division Two

PEOPLE v. FALTISCO

Petition for review denied

S127848

B166401 Second Appellate District,
Division Three

PEOPLE v. DAVIS

Petition for review denied

S127853

A104209 First Appellate District,
Division One

PEOPLE v. BAIN

Petition for review denied

S127856

B171293 Second Appellate District,
Division Five

PEOPLE v. BRIMMER

Petition for review denied

S127860

F042328 Fifth Appellate District

PEOPLE v. GARCIA

Petition for review denied

S127863

B161809 Second Appellate District,
Division Two

PEOPLE v. BELTRAN

Petition for review denied

S127866

B177205 Second Appellate District,
Division Seven

LOS ANGELES, CITY OF v. WCAB. (LEWIS)

Petition for review denied

S127868

B171063 Second Appellate District,
Division One

PEOPLE v. MAZURAK
Petition for review denied

S127872

D041664 Fourth Appellate District,
Division One

PEOPLE v. McALLISTER
Petition for review denied

S127873

A102556 First Appellate District,
Division Two

PEOPLE v. RIVERA
Petition for review denied

S127880

B169407 Second Appellate District,
Division Five

PEOPLE v. EVANS
Petition for review denied

S127886

A102923 First Appellate District,
Division Five

PEOPLE v. NAVA
Petition for review denied

S127889

B166883 Second Appellate District,
Division Seven

PEOPLE v. SAUCEDO
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S127891

C044739 Third Appellate District

PEOPLE v. WELCH
Petition for review denied

S127896

B177700 Second Appellate District,
Division Eight

SONNIER v. S.C. (DEPT CHILD/FAMILY SVCS)
Petition for review denied

S127900

F044216 Fifth Appellate District

PEOPLE v. WILLIAMS
Petition for review denied

S127903

C044891 Third Appellate District

PEOPLE v. HEDGES
Petition for review denied

S127905

B168439 Second Appellate District,
Division Six

PEOPLE v. ALBERTSON
Petition for review denied

S127906

A107634 First Appellate District,
Division Two

TURNER v. S.C. (PEOPLE)
Petition for review denied

S127907

B170742 Second Appellate District,
Division One

PEOPLE v. NUNGARAY
Petition for review denied

S127909

F043288 Fifth Appellate District

PEOPLE v. GUZMAN
Petition for review denied

S127910

A102400 First Appellate District,
Division Five

PEOPLE v. KENNEDY (ALLEN)
Petition for review denied

S127911

B165236 Second Appellate District,
Division Eight

SEQUOIA CONCEPTS v. STEELE
Petition for review denied

S127913

A104848 First Appellate District,
A102400 Division Five

KENNEDY (ALLEN) ON H.C.
Petition for review denied

S127915

B175294 Second Appellate District,
Division Four

SOUTHLAND LIFE INS CO v. S.C. (MATTHAU)
Petition for review denied

S127922

B165190 Second Appellate District,
Division Two

PEOPLE v. MILLER
Petition for review denied

S127928

B163479 Second Appellate District,
Division Seven

PEOPLE v. KISTNER
Petition for review denied

S127930

E034322 Fourth Appellate District,
Division Two

PEOPLE v. KAMP

Petition for review denied

S127934

E036246 Fourth Appellate District,
Division Two

RIKER v. S.C. (PEOPLE)

Petition for review denied

S127936

B170942 Second Appellate District,
Division One

PEOPLE v. NOLASCO

Petition for review denied

S127937

B176962 Second Appellate District,
Division Two

MORRISON v. SULLIVAN

Petition for review denied

S127941

B169501 Second Appellate District,
Division Six

PEOPLE v. HATCHER

Petition for review denied

S127949

E036240 Fourth Appellate District,
Division Two

WALKER v. S.C. (PEOPLE)

Petition for review and application for stay denied

S127953

D041952 Fourth Appellate District,
Division One

HAIST v. ROHR, INC.

Petition for review denied

S127968

C043704 Third Appellate District

PEOPLE v. ADAMS

Petition for review denied

S127973

F042962 Fifth Appellate District

PEOPLE v. McCLOUGH

Petition for review denied

S127979

B170483 Second Appellate District,
Division One

PEOPLE v. ALONZO

Petition for review denied

S127980

B165697 Second Appellate District,
Division Two

ROSS, ESTATE OF

Petition for review denied

S127984

B169313 Second Appellate District,
Division One

PEOPLE v. JOHNSON

Petition for review denied

S127986

H026134 Sixth Appellate District

PEOPLE v. OLVERA

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S127988

C045611 Third Appellate District

PEOPLE v. LOVE

Petition for review denied

S127989

C044081 Third Appellate District

PEOPLE v. CATES

Petition for review denied

S127991

G032461 Fourth Appellate District,
Division Three

PEOPLE v. TURNAGE

Petition for review denied

S127997

B169755 Second Appellate District,
Division Two

PEOPLE v. CHAVEZ

Petition for review denied

S128001

B166710 Second Appellate District,
Division Three

CHEN v. SU

Petition for review denied

S128002

H026897 Sixth Appellate District

PEOPLE v. FLEMING

Petition for review denied

S128003

A100236 First Appellate District,
Division Three

PEOPLE v. BROWN

Petition for review denied

S128009

A103414 First Appellate District,
Division Two

PEOPLE v. HUGHES

Petition for review denied

S128010

E034699 Fourth Appellate District,
Division Two

C. (JEREMY), IN RE

Petition for review denied

S128013

F044327 Fifth Appellate District

PEOPLE v. CARTER

Petition for review denied

S128026

B164501 Second Appellate District,
Division Six

TYLER v. KASSENS

Petition for review denied

S128030

F043433 Fifth Appellate District

PEOPLE v. INGRAM

Petition for review denied

S128045

B177663 Second Appellate District,
Division Five

HODGE v. S.C. (PEOPLE)

Petition for review denied

S128047

B169811 Second Appellate District,
Division Two

PEOPLE v. BYRD

Petition for review denied

S128065

D042769 Fourth Appellate District,
Division One

KASSAB v. BOARD OF TRUSTEES

Petition for review denied

S128069

H026619 Sixth Appellate District

MAUNDU v. EBAY

Petition for review denied

S128093

E035137 Fourth Appellate District,
Division Two

M. (A.), IN RE

Petition for review denied

S128372G034097 Fourth Appellate District,
Division Three

SHEA v. S.C. (PEOPLE)

Petition for review and application for stay denied

S119433

DALE (DEXTER) ON H.C.

Petition for writ of habeas corpus denied

S120445

BURGER (TERRY C.) ON H.C.

Petition for writ of habeas corpus denied

S120707

PRAPHATANANDA (CHARLIE) ON H.C.

Petition for writ of habeas corpus denied

S120757

JOHNSON (KARL) ON H.C.

Petition for writ of habeas corpus denied

S121124

SARMIENTO (SAMUEL) ON H.C.

Petition for writ of habeas corpus denied

S121212

JOHNSON (ADRIAN) ON H.C.

Petition for writ of habeas corpus denied

S121280

WOODS (RONNIE) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

S121283

TRAVALINI (FRANK ALLEN) ON H.C.

Petition for writ of habeas corpus denied

S121440

BRADFORD (REGINALD) ON H.C.

Petition for writ of habeas corpus denied

S121452

JOHNSON (JAMAI) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Dixon*

(1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S121489

ALLEN (IRVIN) ON H.C.
Petition for writ of habeas corpus denied

S121512

DALE (JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S121661

ANAYA (RALPH S.) ON H.C.
Petition for writ of habeas corpus denied

S121671

PERKINS (ERIC) ON H.C.
Petition for writ of habeas corpus denied

S121698

ROBLEDO (LUIS) ON H.C.
Petition for writ of habeas corpus denied

S121805

MARMOLEJO (ALBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Waltreus (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S121818

MIRON (JUAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)

S121825

DIAZ (STEVEN) ON H.C.
Petition for writ of habeas corpus denied

S121829

JAMES (MARVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Miller*
(1941) 17 Cal.2d 734; *In re Waltreus* (1965) 62
Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

S121830

MARTINEZ (RUBEN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S121836

WILSON (THABITI SALIM) ON H.C.
Petition for writ of habeas corpus denied

S121844

MORALES (MANUEL) ON H.C.
Petition for writ of habeas corpus denied

S121856

NEWMAN (DAVID) ON H.C.
Petition for writ of habeas corpus denied

S125491

WOODS (RONNIE) ON H.C.
Petition for writ of habeas corpus denied

as moot.

S125971

HAKIMIAN (BIJAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In*
re Lindley (1947) 29 Cal.2d 709; *In re Waltreus*
(1965) 62 Cal.2d 218; *People v. Duvall* (1995)
9 Cal.4th 464, 474; *In re Miller* (1941) 17
Cal.2d 734; *In re Clark* (1993) 5 Cal.4th 750.)

S126199

SNOWDEN (DARRELL) ON H.C.
Petition for writ of habeas corpus denied

S126896

WAGNER (WILLIAM J.) ON H.C.
Petition for writ of habeas corpus denied

S127433

GUYTON (ROGER D.) ON H.C.
Petition for writ of habeas corpus denied

S128306

CALVIN (CALVIN JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

S128310

ALBERT (RAYMOND E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756.)

S128325

GOFF (CARL REED) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S128350

ETEAKI (DAVID) ON H.C.
Petition for writ of habeas corpus denied

S128359

PFOST (MARK C.) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S128408

CRAIG (DYLAN SHANE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S128443GUYTON (ROGER D.) ON H.C.
Petition for writ of habeas corpus denied**S128473**SWAID (SAFA) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S128539BRADLEY (THOMAS D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S125466B162880 Second Appellate District,
Division TwoWILLIAMS v. FREEDOMCARD INC.
Publication ordered (case closed)

As recommended by the Court of Appeal, the
Reporter of Decisions is directed to publish the
Court of Appeal opinion in the above-entitled
matter in the Official Reports. (Cal. Rules of
Court, rule 978(c).)

S126890B161317 Second Appellate District,
Division TwoPENNY v. WILSON
Publication ordered (case closed)

As recommended by the Court of Appeal, the
Reporter of Decisions is directed to publish the
Court of Appeal opinion in the above-entitled
matter in the Official Reports. (Cal. Rules of
Court, rule 978(c).)

S121707A100627 First Appellate District,
Division ThreeWOODSON v. LEGACY PARTNERS 2323
Publication request denied (case closed)**S124196**B170922 Second Appellate District,
Division SixDEPT OF ALCOHOLIC BEVERAGE CONTROL v.
ALCOHOLIC BEV CONTROL APPEALS BD.
Publication request denied (case closed)

S124695

D042255 Fourth Appellate District,
Division One

HAWKES v. SOMMER

Publication request denied (case closed)

S125817

A102563 First Appellate District,
Division Three

**MEHLING v. TOWN OF SAN ANSELMO
(ATWATER)**

Publication request denied (case closed)

S125990**TABAIE v. PUBLIC STORAGE INSTL FUND**

Publication request denied (case closed)

S126499

E033692 Fourth Appellate District,
Division Two

CALIFORNIA HIGHWAY PATROL v. SORGES

Publication request denied (case closed)

S126628

A103705 First Appellate District,
Division Three

BELCHER-DIXON v. SAENZ

Publication request denied (case closed)

S127036

B166279 Second Appellate District,
Division Two

AGBABIAN v. TST COLORADO AVENUE

Publication request denied (case closed)

S127285

B160393 Second Appellate District,
Division Two

BASHKIN v. RAND

Publication request denied (case closed)

S127414

E034220 Fourth Appellate District,
Division Two

ECHAVERRIA v. CITY OF UPLAND

Publication request denied (case closed)

S127581

B174738 Second Appellate District,
Division Five

W., NAONDRA v. S.C. (LOS ANGELES CO. DCFS)

Publication request denied (case closed)

S127601

D043333 Fourth Appellate District,
Division One

P. (DESTINY), IN RE

Publication request denied (case closed)

S127660

B165714 Second Appellate District,
Division Seven

401 E. SECOND STREET v. CITY OF LOS ANGELES
Publication request denied (case closed)

S127664

B165488 Second Appellate District,
Division Three

PEOPLE v. CASAS
Publication request denied (case closed)

S127759

B170580 Second Appellate District,
Division Two

E. (WENDY), IN RE
Publication request denied (case closed)

S127846

D042023 Fourth Appellate District,
Division One

KLEIN v. WALGREEN COMPANY
Publication request denied (case closed)

S127981

B172115 Second Appellate District,
B173250 Division Six

VAN DER SPEES, MARRIAGE OF
Publication request denied (case closed)

S042223

PEOPLE v. COOK (WALTER J.)
Extension of time granted

to 12/27/2004 to file appellant's reply brief.

S074414

PEOPLE- v. ZAMUDIO (SAMUEL J.)
Extension of time granted

to January 3, 2005 to file respondent's brief.

S079179

PEOPLE v. BACON (ROBERT A.)
Extension of time granted

to January 7, 2005 to file appellant's opening
brief.

S123474

A097749 First Appellate District,
Division Five

PEOPLE v. McGEE
Extension of time granted

to November 15, 2004 to file appellant's

opening brief on the merits.

In view of counsel's assurance on October 18, 2004 that no further extensions of time would be sought, no further extensions of time must be granted.

S125912

C042077 Third Appellate District

B. (ELISA) v. S.C. (EMILY B.)

Extension of time granted

to November 15, 2004 to file Attorney General's opening brief on the merits.

S121933

B121917 Second Appellate District,
Division Four

SIMON v. SAN PAOLO U.S. HOLDING COMPANY

Application to appear as counsel pro hac vice granted

by Robin S. Conrad for amicus curiae Chamber
of Commerce of the USA

S124739

A101477 First Appellate District,
Division Two

KEARNEY v. SALOMON SMITH BARNEY

Application to appear as counsel pro hac vice granted

by Robin S. Conrad for amicus curiae Chamber
of Commerce of the USA

S067394

PEOPLE v. CAPISTRANO (JOHN L.)

Record augmentation granted in part/denied in part

Defendant's "Motion to Vacate Certification, Or, In the Alternative, To Augment and Settle the Record," filed June 22, 2004, is granted in part and denied in part. The District Attorney of Los Angeles County is ordered, within 60 days of the date of this order, to search the records in the case of *People of the State of California vs. John Leo Capistrano, et. al.*, No. KA030671, for a written motion filed by the prosecution requesting a blood sample from defendant John Leo Capistrano, an order for which was issued by the Los Angeles County Superior Court on February 15, 1996. If such motion is found, the District Attorney is ordered to forward a copy of such motion to the clerk of the Los Angeles County Superior Court, who is ordered to prepare a supplemental clerk's transcript and

forward copies thereof to the parties and to the clerk of this court.

The Los Angeles County Superior Court is ordered, within 60 days of the date of this order, to have prepared, and to forward copies to the parties and the clerk of this court, written transcripts of the following oral proceedings held in the case of *People of the State of California vs. John Leo Capistrano, et. al.*, No. KA030671:

(1) March 19, 1996, Citrus, Department 7, Judge Minto, arraignment of codefendant Eric Pritchard (reporter Melinda Delgado);

(2) March 20, 1996, Citrus, Department 7, Judge Minto, arraignment and plea of codefendant Eric Pritchard (reporter Kristine Toole);

(3) April 1, 1996, Citrus, Department 7, Judge Minto, call for preliminary examination of codefendant Eric Pritchard (reporter Charlene Morley);

(4) May 2, 1996, Citrus, Department 11, Judge Duggan, call for preliminary examination of codefendant Eric Pritchard (reporter Terry Miller);

(5) May 3, 1996, Citrus, Department 7, Judge Minto, arraignment of codefendant Anthony Vera (reporter Pamela Bunch);

(6) May 6, 1996, Citrus, Department 7, Judge Minto, arraignment and plea of codefendant Anthony Vera (reporter Kristine Toole);

(7) Citrus, Department 7, Judge Minto, arraignment and plea of codefendant Anthony Vera (reporter Melinda Delgado);

(8) Citrus, Department 7, Judge Minto, arraignment of codefendant Amy Benson (reporter Linda Burbach); and

(9) May 14, 1996, Citrus, Department 7, Judge Minto, call for preliminary examination of codefendant Amy Benson (reporter Sheryl Saylor).

In all other respects, the motion is denied.

S127344E034242 Fourth Appellate District,
Division Two

PEOPLE v. CAGE

Order filed

Appellant is directed to serve and file a Brief on the Merits on or before November 12, 2004. Additional briefing is to be served and filed in a timely fashion. (See Cal. Rules of Court, rule 29.1(a).)

S127373

C040891 Third Appellate District

PEOPLE v. ADAMS

Order filed

The case is held pending disposition in *People v. Cage* (S127344). The parties will defer further briefing pending resolution of the above matter. (Cal. Rules of Court, rule 28.2(d).)

S120817GIBSON, ACCUSATION OF
Petition denied**S123189**SMITH, ACCUSATION OF
Petition denied**S124065**THOMPSON, ACCUSATION OF
Petition denied**S124208**STORMAN, ACCUSATION OF
Petition denied**S124688**STEWART, ACCUSATION OF
Petition denied**S124751**STORMAN, ACCUSATION OF
Petition denied**S125560**MITCHELL, ACCUSATION OF
Petition denied

S125790PRICE, ACCUSATION OF
Petition denied**S125801**MARTINEZ, ACCUSATION OF
Petition denied**S125927**HAMILTON, ACCUSATION OF
Petition denied**S126657**CODY, ACCUSATION OF
Petition denied**B178383** Second Appellate District
B178384IN THE MATTER OF THE GUARDIANSHIP
ESTATE OF ALEXANDER R. HUGHES
Orders filed (2)

The above-entitled matters, now pending in the Court of Appeal, Second Appellate District, are transferred to the Court of Appeal, First Appellate District.